Attachment B -

Minutes of the Noise Review Board Public Comment Hearing on May 3, 2004 and Additional Public Comments



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The Noise Review Board

Minutes for the Public Comment Hearing on May 3, 2004

Members Present: Representing:

Jocelyn CoxBoard ChairSusan PearceCitizen at LargeDonna StegerCitizen at LargePaul van OrdenNoise Control Officer

Jeff Willcox Construction Industry Representative

City Staff:

Reva Schippers Office of Neighborhood Involvement
Anne McLaughlin Office of Sustainable Development

Guests: Representing

Vance Yoakum SW Resident

Dave White Oregon Refuse and Recycling (Tri-City Council)

Linda Notestine SW Resident Bruce Silverman NW Resident

The meeting was called to order at 6:09 PM in the Portland Building Auditorium.

Noise Control Officer Paul van Orden gave an overview of the process that led to the Garbage Subcommittee recommendations. In 2001, City Council approved the recommendations of the Noise Control Task Force. Among those recommendations were to pursue strategies that would reduce the noise produced by garbage trucks. Council charged the Noise Review Board with exploring mitigating the noise short of implementing a nighttime ban or franchising.

The Noise Review Board will accept public comment at this hearing. The Board will have their next meeting in mid-June where the Board will determine what their recommendations to Council will be and when they will move forward to Council. City Council will offer an additional opportunity for public comment. Mid to late July is the earliest that the recommendations will go before Council.

Public Comment

Vance Yoakum, 710 SW Madison St., discussed the current rules and the recommendations. Mr. Yoakum said that noise is pollution and he has been awakened on a consistent basis which has led to a decrease in productivity. Mr. Yoakum said that the driver uses ear protection or risks hearing loss. He also said that garbage collection is as loud as construction noise but the garage collection noise occurs on a regular basis without end. Mr. Yoakum said that there is no quiet garbage truck; that there is nothing that won't wake him up. Mr. Yoakum stated that he expects protection from garbage noise and construction noise. He wanted to restrict the hours of operation and the level at residential receivers and said that the current rules offered little protection. Mr. Yoakum lives in a mixed-use block and commercial garbage collection occurs at 2:30 am. Mr. Yoakum stated that an apartment is not considered a residence. Proximity is an issue and the current rules penalize density. Mr. Yoakum said

that currently the Office of Sustainable Development (OSD) addresses lid props, ways for the driver to be quieter, and mandated training for multiple complaints. If there is breaking glass, collection times are changed. Mr. Yoakum said that there is no resolution of the problem. He was not aware of fines to haulers and inquired if there were any noise-related fines against haulers in the past few years. Mr. Yoakum said that DEQ testing is done on vehicles in Multnomah County and that OSD should get that information. A person can approach the customer and appeal to the customer to talk to the hauler to change the collection time. Mr. Yoakum wanted to know how much authority Noise or OSD has. Mr. Yoakum said that the changes might help but there wasn't much interest in providing driver training (from the request for proposal). Mr. Yoakum mentioned back up beepers. The complaint process should have adequate funding to support staff in investigation and follow up. The number of complaints is not as high as the number disturbed since people try other things like closing their windows or moving. The dumpster/fork treatment won't solve other problems such as engine, brakes, poorly maintained equipment, or operator error. Mr. Yoakum questioned if there was an unofficial reward for a driver that races through his route. Mr. Yoakum also asked if a driver could report a noisy vehicle and if the driver had to wait for a mechanic, was that unpaid time? Mr. Yoakum wanted to change the collection hours and said many cities do not allow nighttime collection. Amsterdam doesn't allow collection between 11:30 pm and 6:30 am. Mr. Yoakum said other rules can be changed to accommodate collection hours. Parking areas could be specified as a garbage truck zone between certain hours. Haulers have stated that daytime collection leads to congestion and safety issues. Mr. Yoakum asked for proof from other cities. An alternative would be no nighttime collection around dwelling units, 250 feet from a collection point. Mr. Yoakum said that downtown has an echo factor that intensifies noise that may not have been measured in the studies.

David White, Regional Representative for Oregon Refuse and Recycling Association (ORRA) which is a state trade association out of Salem, and also a member of the Tri-County Council that represents haulers in a 3 county area, as well as a member of the Garbage Subcommittee. Mr. White said the haulers participated in the spirit of cooperation. Large trucks are collecting and providing an urban service in an urban area. They try to keep the noise down and are aware of the issue. The haulers offer support of the subcommittee recommendations. Portland doesn't have a franchise on commercial locations. With a franchise, the city sets the rates and one hauler services an area. Mr. White said nighttime collection allows better access to containers, no traffic, congestion, and safety to pedestrians since large trucks are used. In the Northwest neighborhood, parking, traffic, congestion, and pedestrian safety rated as higher concerns than garbage noise in a survey. Mr. White said that it would be shifting problems if nighttime collection was banned. Other cities have a municipal service or are under contract with one hauler. A ban would result in a cost that could affect the rate for customers. The recommendations are a compromise of what can be done to contain costs and address safety concerns. The haulers feel that some recommendations are not workable even though they support the overall recommendations. For example, the haulers were interested in the driver best practices video and had 15 recommendations. There was no response to the request for proposal to create the video. Mr. White even called people himself. For public notification, success should not be based on the number of complaints. Mr. White said that 11,700 containers would have an impact on livability during the day. If there is a complaint that is expensive to fix, the costs may be passed on. A large hauler may be able to absorb the costs. Mr. White said sound deadening material is not cheap and questioned if the container would need to be painted. Haulers would need to analyze the costs of the solution and may decide to collect during the day. If no one else wants to serve the customer, it becomes a problem. The solutions are not easy. Mr. White said that if the customer didn't generate the waste, then no one would have to pick it up.

In response to questions from the Board regarding banning collection within 250 feet of residences, David White said that some companies were already doing that. For example, Waste Management may go through a route 3 times. The first time would be to collect from

commercial/industrial. The second time through they would collect from fringe locations. The third time through they would collect from areas next to residences. Mr. White said there was a trade off with fuel, pollution, and multiple haulers. Mr. White also questioned if problems would be pushed from one area to another.

Linda Notestine, Howards Way and 20th in Goose Hollow, concurred with Mr. Yoakum. Ms. Notestine said their condo uses a commercial hauler that picks up between 7 and 7:30. Ms. Notestine said there were many trucks collecting in the area. The Goose Hollow Tavern was picked up at 2:30 am, AGG picked up at 3 am at a different location, and the United First Methodist Church was picked up at 4 am on 2 days. Over 4-5 days there are different haulers. Ms. Notestine would like them to coordinate pickup to get rid of half of the clanging and banging in the neighborhood. She said they were being penalized for density and the overall impact of the neighborhood should be considered.

Bruce Silverman, Manager of 1943 NW Irving, endorses more training and better training but is unsure of the video. Mr. Silverman said a good relationship with the hauler can eliminate some problems. He said that back up alarms weren't a problem for him so he didn't have a comment on them. Mr. Silverman recommended networking with other communities for standardization of the forks and dumpster channels. He thought that may be the quickest solution. Mr. Silverman said metal lids should only be used if the fire department said they were needed. He said that there was no excuse for collecting at 2:30 am in a residential area. His area is all residential, all apartment buildings, but it is zoned commercial. He also stated that there were not fewer cars at night in Northwest; from 7 to 10 am there were fewer parked cars. Mr. Silverman said there were 24 trucks per week on his block between the garbage and recycling. He said it was okay if franchising costs him more if it lowers the loudest noise in the process below the threshold to wake him up. A nighttime ban would slow down drivers in some locations. Mr. Silverman didn't think that rates would jump 25%. Mr. Silverman said that Council has changed since 2001. He said there are quieter truck engines out there and that engines can also be made quieter. Mr. Silverman said the bottom of the engine could be enclosed like some cars are. Mr. Silverman said he appreciated the committee, subcommittee, and Daly-Standlee. Mr. Silverman said that he filed a complaint with the Noise Office that collection from a dumpster under his window occurred at 2:30 am. Mr. Silverman said they skipped one week and said they wouldn't collect at that time. They then went back to collecting again at the same time.

Anne McLaughlin with OSD said the report was presented to SWAC 2 weeks ago. SWAC voted to support the recommendations and someone will send an e-mail with that information.

Board Chair Jocelyn Cox said the record would be left open until June 10, 2004 for comments in writing or via e-mail. Comments will only be accepted in writing. The June Board meeting will be held on the 3rd Wednesday of the month, June 16th. Everyone is welcome to come to the Board's meeting. The Board may open the floor to quick comments or questions.

The meeting adjourned at 7:22 p.m.

Proceedings prepared by: Reva Schippers Office of Neighborhood Involvement June 8, 2004

